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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,381	06/23/2006	Daniel Warren	920476-102241	8167
23644 7590 07/09/2010 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER				
DOAN, KIET M				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

### Office Action Summary

**Application No.**

10/562,381

**Applicant(s)**

WARREN ET AL.

**Examiner**

KIET DOAN

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/22/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to Pre-Brief Appeal Conference decision on 05/03/2010; the previous finality on 11/04/2009 is withdrawn. However, upon further consideration and search, a new ground(s) of rejection is made in view of Crowson et al. (US 2002/0000930 A1)

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12, 17 and 20 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter. The Claims recites "A computer readable medium carrying computer executable instructions..." yet there is no empirical definition as to the "medium" type(s).

The USPTO's position is that the specification must empirically define the bounds of what the medium can be and must not include language such as "frequency, signals, carrier wave or transmission media".

For examination purposes, "computer readable medium" has been interpreted to exclude carrier wave, signals or transmission of communication type of media

***Response to Arguments***

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5 Claims 1-3, 6, 7, 12, 13 and 15-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Crowson et al. (US 2002/0000930 A1).

There are a few things about the Examiner's interpretation of claim language:

"first network node" is broadly and reasonable interpreted as "cell tower 60 incorporate with router 62 "

"second network node" is broadly and reasonable interpreted as "Location determine server "paging system (service) 68"

Regarding **claims** 1, 6, 15, 18 (A method), 12, 17, 20 (A computer readable medium), 13 (A memory storage device), 21 and 23 (A node), Crowson

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teaches a method of routing calls in a communications network comprising the steps of:

at a first network node, receiving location information relating to a subscriber originating a call (Paragraphs [0016] [0020], fig.2 show tower 60 received 911 cal from cellular phone 50 or fig.1 tower 12/14 received call from telephone10);

at said first network node, determining initial routing information based on said location information (Paragraphs [0016], [0020] teach tower 60 forward call to processor/router 62);

sending said location information from said first network node to a second network node (Paragraphs [0020-0021], fig.2 illustrate and teach transmitting location information from location determine server 64 which came from tower 62/first node to paging system/service 68/second node);

at said second network node, determining updated routing information based on said location information (Paragraph [0021-0024] teach paging system 68/second node initiates communicated with pager 56 wherein the GPS satellite update location information);

sending said updated routing information from said second network node to said first network node (Paragraph [0024] teach paging system 68 return location information to processor/router 62); and

at said first network node, routing said call based on said updated routing information (Paragraphs [0016], [0024], [0026], teach processor/router 62/18

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routing call to the appropriate emergency agency base on location update and/or signal strength).

Regarding **claim 26**, Crowson teaches a signal for sending from a first node to second node in a communications network, said signal comprising:

Location information for subscriber (Paragraph [0021], [0031], fig. 2, Illustrate location determination service 64 as read on Location information for subscriber); and

an indicator that said first node is capable of receiving update routing information based on said location information (Paragraphs [0016], [0024] teach processor/router 62/18 capable of routing call to the appropriate emergency agency base on location and/or signal strength).

Regarding **claims 2 and 24**, Crowson teaches a method as claimed in claims 1, and 23 further comprising the step of:

indicating to said second network node that said first network node is capable of receiving said updated routing information (Paragraphs [0020-0021], [0024]).

Regarding **claim 3**, Crowson teaches a method as claimed in claim 1, further comprising the step of: sending said initial routing information from said first network node to said second network node (Paragraphs [0020-0021], fig.2 illustrate and teach transmitting location information from location determine

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server 64 which came from tower 62/first node to paging system/service 68/second node).

Regarding **claims 7 and 16**, Crowson teaches a method as claimed in claims 1 and 15 wherein said call is an emergency call (Paragraph [0016]).

Regarding **claim 19**, Crowson teaches a method as claimed in claim 18, further comprising the steps of:

determining whether said updated routing information is required; and transmitting one of said updated routing information and a no update required message to said second network node (Paragraphs [0016],[0020] teach routing phone call to emergency service without update to page service 68).

Regarding **claim 22**, Crowson teaches a node as claimed in claim 21, further wherein said processor is physically separated from said node, said node further comprising: communication links to said processor (Fig.2 show processor/router 62 is physically separated from said node).

Regarding **claim 25**, Crowson teaches a communication network comprising a node according to claim 21. (fig.1 and fig.2 show tower 12/14 and 60/68 as read on communication network node).

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crowson et al. (US 2002/0000930 A1) in view of Rhodes et al. (US 2003/0186709 A1).

Regarding **claim 4**, Crowson teaches a method as claimed in claim 1, **but is silent on** wherein said initial routing information includes an initial NA-ESRK (Paragraph [0032]). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Crowson with Rhodes's system such that wherein said initial routing information includes an initial NA-ESRK in order to determine and identify the accurate location/position of the original call.

Regarding **claim 5**, Crowson teaches a method as claimed in claim 1, **but is silent on** wherein said updated routing information includes an updated NA-ESRK (Paragraphs [0017], [0030], [0032]). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Crowson with Rhodes's system such that wherein said updated routing information includes an updated NA-ESRK in order to determine and identify the accurate location/position of the original call



Regarding **claim 8**, Crowson teaches a method as claimed in claim 1, but is silent on wherein said first network node is a Mobile services Switching Centre.

In an analogous art, Rhodes teaches wherein said first network node is a Mobile services Switching Centre (Paragraph [0039] teach MSC).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Crowson with Rhodes's system such that first network node is a Mobile services Switching Centre in order to provide to the user with a fast routing//switching call.

Regarding **claim 9**, Crowson teaches a method as claimed in claim 1, but is silent on wherein said second network node is a Gateway Mobile Location Centre.

Rhodes teaches wherein said second network node is a Gateway Mobile Location Centre (Paragraph 0042], [0050] teach GMLC). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Crowson with Rhodes's system such that second network node is a Gateway Mobile Location Centre in order to provide an accurate location/position of mobile device.

Regarding **claim 10**, the combination of Crowson and Rhodes teach a method as claimed in claim 9, further Rhodes teaches wherein said Gateway Mobile Location Centre includes a Zonal Database (Paragraphs [0050-0051]).

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Regarding **claim 11**, the combination of Crowson and Rhodes teach a method as claimed in claim 9, further Rhodes teaches comprising the step of:

at said Gateway Mobile Location Centre, communicating with a Zonal Database to determine said updated routing information (Paragraphs [0050-0051], [0054], [0070]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/  
Examiner, Art Unit 2617